

NIH MANUAL 1130 General Administration #09

DATE: 01/16/04

REPLACES: 06/12/85

ISSUING OFFICE: OD/CMO 301-496-2123

DELEGATIONS OF AUTHORITY

Appointment of Members to NIH Public Advisory Committees

Authorities Delegated

1. Under section 222 of the PHS Act, to select and appoint chairpersons and members to the advisory committees, as approved by the Secretary or the Assistant Secretary for Health, for the period of each committee charter.

To Whom Delegated

Area of Authority

Director, NIH

NIH

2. Under section 402(b)(6) of the PHS Act, to appoint and pay members of technical and scientific peer review groups. Redelegated to the NIH Deputy Director via memorandum, January 16, 2004.

To Whom Delegated

Area of Authority

Deputy Director, NIH

NIH

3. Under section 405(c)(3) of the PHS Act, with the approval of the Advisory council or board for the Institute and the approval of the Director, NIH, establish technical and scientific peer review groups in addition to those appointed under section 402(b)(6) of the PHS Act.

To Whom Delegated

Area of Authority

Institute Director

Respective Institute

All previous delegations of authority inconsistent with the provisions of this delegation are superseded.

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Limitations/Guidance

These authorities will be exercised in accordance with current OS and PHS committee management requirements, particularly HHS General Administration Manual Chapter 9 and any PHS supplements thereto, DHHS Standards of Conduct Regulations 45 CFR 73 Subpart J, and is subject to the requirements of applicable statutes.

The Committee Management Officer, NIH, maintains lists of NIH chartered public advisory committees for which action is reserved to higher authorities or to the Director, NIH.

This delegation of authority does not include authority to promulgate regulations; establish advisory committees, boards or councils and appoint members thereto except as specifically delegated by the Secretary, or provided in law to the Director, NIH, or Director of a national research institute; to submit reports to Congress, or to create organizations.

Exercise of Authority No. 2 is to be consistent with the requirements of section 402(b)(6) of the PHS Act.

See Personnel No. 12 concerning selection of and pay rates for consultations and experts.

Redelegation

No redelegation is authorized for Authority No. 1. Authority No. 2 was redelegated to the NIH Deputy Director on January 16, 2004 per memorandum signed by the NIH Director. No further redelegation is authorized for Authority No. 2. Authority No. 3 may be redelegated.

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Citations

1. P.L. 92-463, Federal Advisory Committee Act; 5 U.S.C. 302; 42 U.S.C. 203, 216, 217a, 281, 282, and 284. 45 CFR Part II.
2. Memorandum from Assistant Secretary for Health to the Director, NIH, dated January 31, 1984, Subject: Delegation of Authority - Appointment of Members to NIH Advisory Committees.
3. DHHS General Administration Manual 9-20, 9-25.
4. Secretary's Reorganization Order of June 29, 1973 (38 FR 18261).
5. Redelegations of Authorities by the Assistant Secretary for Health, June 18, 1973 (38 FR 18261). [Continued by the Secretary, April 18, 1979 (44 FR 23132).]
6. Memorandum from Director, NIH to the Deputy Director, NIH, dated January 16, 2004, Subject: Redelegation of Authority to Appoint and Pay Members of Advisory Committees Established under Section 402 of the Public Health Service Act.

/s/

Elias A. Zerhouni, M.D.
Director, NIH

Effective Date: January 16, 2004